

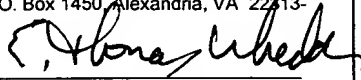
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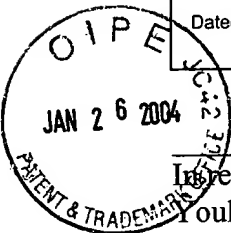
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Dated: January 26, 2004

Signature:


(E. Thomas Wheelock)

Docket No.: 456962000200
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here Patent Application of:
Yuhao XU et al.

Application No.: 09/553,990

Art Unit: 1764

Filed: April 20, 2000

Examiner: J. Leung

For: RISER REACTOR FOR FLUIDIZED
CATALYTIC CONVERSION

**AFTER FINAL, EXPEDITED
PROCEDURE**

AMENDMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the final Office Action dated November 25, 2003 (Paper No. 11142003) in which claims 1-8 (all of the claims in the application) were finally rejected. This response is filed within two months of the issuance of the final Office Action and therefore qualifies for expedited review. Claim 1 has been amended and claims 9-16 have been added by this amendment. Withdrawal of the finality of the rejection is requested. Allowance of the pending claims is also respectfully requested.

Withdrawal of the Finality of the Rejection

Applicants request withdrawal of the finality of this rejection as premature. Each of the rejections based upon 35 USC 102 or 103 in the noted Office Action apply a reference not earlier applied against the claims. The Office Action suggests that such finality is proper because of "[a]pplicant's amendment." This is not correct.

It will be recalled that the prior Office Action applied the Dean et al patent (U.S. Patent No. 4,336,160) under 35 U.S.C. 102 and 103. The Office Action applied a specific portion of the reference, a portion dealing with a regeneration section of a hydrocarbon catalytic cracking reactor system, in such a way the reaction taking place within the regenerator was ignored. In summary, the rejection was simply that “a reactor is a reactor.” The current rejections, based on the multiple references found in this Office Action, urges a similar basis by ignoring the functional limitations found in the claims relating to the “configured to” parameters found in those claims.

Again, the basis for the rejections found in this Office Action may be synthesized to be simply that “a reactor is a reactor.”

Certainly, multiple new references were not needed for such a set of rejections. The old Dean et al patent would have served such erroneous rejections just as well. Consequently, it cannot be said that applicants’ amendments to the claims mandated the addition of a large number of previously unapplied references.

Said again: It is not applicants’ amendments to the claims that causes the addition of the new prior art against the claims. Instead it was simply the inapplicability of the previous prior art to those claims. Consequently, applicants request withdrawal of the finality of the rejection under MPEP 706.07(c) to preserve right of petition under 37 CFR 1.181 (MPEP 1002.02(c)).

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

21

Application Number

09/553,990

Filing Date

April 20, 2000

First Named Inventor

Youhao XU

Art Unit

1764

Examiner Name

J. Leung

Attorney Docket Number

456962000200

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply (20 pages)

☒

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Response to Missing Parts/Incomplete Application

☐

Response to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a Provisional Application

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Power of Attorney, Revocation Change of Correspondence Address

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Terminal Disclaimer

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Request for Refund

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CD, Number of CD(s) _____

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After Allowance Communication to Group

☐

Appeal Communication to Board of Appeals and Interferences

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Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

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Other Enclosure(s) (please identify below):

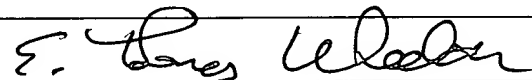
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual nameMORRISON & FOERSTER LLP (Customer No. 25226)
E. Thomas Wheelock - 28,825

Signature



Date

January 26, 2004

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